

EXHIBIT 11

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF INDIANA
4 TERRE HAUTE DIVISION
Cause No.2:14-cv-00001-WTL-MJD

5 - - - - -x
BRIAN CARR et al.,

6 Plaintiffs,

7 v.

8 THOMAS R. KANE, ACTING DIRECTOR,
FEDERAL BUREAU OF PRISONS,

9 Defendant.
10
11 - - - - -x

12 7 Times Square
New York, New York

13 July 12, 2017
14 9:23 a.m.

15 VIDEOTAPED DEPOSITION of RABBI ABRAHAM
16 RICHTER, a 30(b)(6) Witness on behalf of
17 Federal Bureau of Prisons, in the
18 above-entitled action, held at the above
19 time and place, taken before Dawn Matera,
20 a Shorthand Reporter and Notary Public of
21 the State of New York.

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23
24 Veritext Legal Solutions
Mid-Atlantic Region
25 1250 Eye Street NW - Suite 350
Washington, D.C. 20005

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2 condiments; the BOP facilities that
3 currently serve or have previously served
4 CRC-certified foods in the time periods
5 during which they served CRC-certified
6 foods; the number of inmates at each BOP
7 facility who have communicated to the BOP
8 that their religious beliefs require them
9 to consume CRC-certified foods;" and
10 lastly, "the number of inmates on the
11 certified food menu at each BOP facility
12 that served CRC-certified foods."

13 Are you prepared to testify on
14 the entirety of topic 1 today?

15 A. Yes, to the best of my
16 knowledge.

17 Q. And you know that when you are
18 testifying, you are testifying on behalf
19 of the Bureau of Prisons, right?

20 A. Yes.

21 Q. So I would like to just start
22 by learning more about CRC, generally.
23 Obviously, we thought it was the Chicago
24 Rabbinical Council and that is incorrect.

25 So can you just tell me about

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2 CRC, please?

3 A. CRC is a kosher certification
4 with a high standard of Kashruth, and
5 they adhere to certain rules that many of
6 the other kosher certifications are not
7 stringent about.

8 For example, pas Yisroel. That
9 baked goods need to be baked by a Jewish
10 person or, at the minimum, you know, they
11 put on the fire, involved somewhat in the
12 baking.

13 Cholov Yisroel is that the milk
14 is certified from the time of the milking
15 of the cow as opposed to from when it
16 gets into the processing center.

17 And bishul Yisroel is that
18 cooked things, for example, tuna, would
19 have to also, the fire would have to be
20 ignited by a Jewish person or be involved
21 in the cooking of the items. And as well
22 as the slaughtering of the animals to a
23 high degree of kosher certification, no
24 leniency.

25 Q. And so CRC you said stands for

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2 Central Rabbinical Congress; is that
3 right?

4 A. Right.

5 Q. And that is different than the
6 Chicago?

7 A. Yes.

8 Q. What's the difference between
9 those CRCs?

10 A. They just happen to have the
11 same acronym. But they are a different
12 symbol.

13 And the CRC Chicago does not
14 adhere to the same stringencies. They
15 are similar to the Orthodox union and OK,
16 Kashruth and their level of stringency.

17 Q. And just generally, why does
18 food need to be certified?

19 A. Generally, because the Torah
20 requires that we eat kosher. And being
21 that you don't know where this food has
22 come from and how it was processed, we
23 rely on the certification to know that
24 it's kosher.

25 Q. And is the CRC, is it an

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2 Q. What are those differences?

3 A. For example, certain ones have
4 a stringency, rely on leniency like the
5 Orthodox union when it comes to milk
6 where the CRC does not rely on those
7 leniencies.

8 Q. Why does which individual --
9 why does the individual who certifies a
10 food matter, especially of this context,
11 when they are of the same level?

12 A. When I look at this, I don't
13 get that myself.

14 I never heard of Rabbi Glick.
15 I've heard of the CRC. The only
16 difference, like I mentioned before, is
17 the CRC is not just one man. And I don't
18 believe that there is this one man over
19 this whole CRC. Where Rabbi Babad is the
20 one man. Maybe that's why they mentioned
21 the Rabbis. But I don't believe it
22 narrows down usually to one individual.

23 Q. Is it fair to say that inmates,
24 that -- strike that.

25 Are some -- would inmates trust

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2 one certifier more than another?

3 A. It's possible.

4 Q. And why is that?

5 A. Usually, it's a matter of the
6 stringency of the certifier.

7 Q. And why is it important to have
8 a certifier that you trust?

9 A. Because you are eating --
10 you're eating the -- you are eating
11 something that your religion requires you
12 to know that that is well certified.
13 That it is something that follows all of
14 the steps of the Kashruth.

15 Q. Aren't there rules for kosher?

16 A. Sure.

17 Q. Why can't, for example, the BOP
18 just read the rules and then determine
19 whether food is kosher?

20 A. That would be impossible.

21 Q. Why?

22 A. Because you need certification
23 from a rabbinical certification. You
24 can't just read ingredients and say, hey,
25 this is kosher. You don't know where

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2 this was produced. How it was produced.
3 You must rely solely on the bona fide
4 religious certification to tell you
5 whether something is kosher or not.

6 Q. Has an inmate ever come to you
7 and requested a different food that was
8 not previously provided to him in order
9 to accommodate his religious beliefs?

10 A. I don't believe so.

11 Q. What would you do if that
12 happened?

13 A. I would give him an Unfamiliar
14 Religious Request questionnaire, which is
15 a form that the BOP has, to have him fill
16 it out. And there is a process of a
17 religious issue committee going over that
18 and researching it and seeing if it's a
19 bona fide religious request.

20 Q. And then what would happen if
21 it was granted?

22 A. If it was granted that it was a
23 bona fide religious request, we would
24 have to, I guess, go to food service and
25 see how they, how it can fit into their

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2 policy. It probably would not be decided
3 on an institutional level, something that
4 is, would require, you know, on the
5 national level to make that decision.

6 Q. Does the chaplaincy have a
7 budget?

8 A. Yes.

9 Q. Are you permitted to buy food?

10 A. I am permitted to buy
11 ceremonial food items that are supplies.
12 But not meals.

13 Q. What permits you to buy
14 ceremonial meals?

15 A. Ceremonial meals?

16 Q. Ceremonial --

17 A. Supplies.

18 Q. -- supplies?

19 A. Policy.

20 Q. But are there food items that
21 are sometimes part of ceremonial
22 supplies?

23 A. Yes.

24 Q. What is an example?

25 A. Matzoh.

CERTIFICATION

I, Dawn Matera, a Notary Public for
and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of July, 2017.

Dawn Matera

Dawn Matera

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